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This speech for the Council of Community College Boards of the National School Boards Association emphasizes the role men play in determining the results of professional negotiations. Positing that one gets the kind of negotiations he chooses, the author presents two models for negotiation and details the attitudes and behaviors appropriate to each. One model, Distributive Bargaining, is characterized by the struggle for power and often produces results unsatisfactory to both sides. The other model, Integrative Bargaining (or cooperative bargaining), emphasizes the necessity for participants to share in decision-making. The author reminds us that professional negotiations do not produce conflict; in fact, negotiation can function as an instrument for channeling and resolving conflicts if the concept of shared authority is recognized. The author suggests that we are at a stage in faculty-administrator relationships similar to labor-management relations in the mid-30's. The questions before all school personnel is not are we going to have professional negotiations, but rather, how are we going to have it? Details are cited to support the author's contention that professional negotiations are a present reality. (JC)

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ARE YOU READY FOR PROFESSIONAL NEGOTIATIONS?

A Speech by:

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Delivered Before:

The Council of Community College Boards of the National School Boards Association

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Higher Education in America today stands at the threshold facing a door marked Professional Negotiations. The door is open. Some of us have already entered. Others are eager to follow. Many hesitate timidly wondering what lies on the other side. I expect that within a decade, the bulk of our colleagues will have passed through that door--with two-year college faculties leading the way.

There are now 17 states whose teachers are covered by P.N. legislation. An eighteenth law has passed the New Jersey legislature. Similar legislation is under consideration in at least half-a-dozen other states. Two of the existing statutes specifically apply to higher education--as do most of the newer proposals. In some states (like Michigan) the courts have declared that colleges and universities are covered by the law. In others (like Connecticut) the statutes have been interpreted as excluding institutions of higher education.

In three states (Michigan, California and Washington) professional negotiation has become a common practice at the community college level. Two other states (New York and Massachusetts) will see the beginning of negotiations on the college level this year. (NFA will be involved in negotiations in both of these states.) There are also a number of community colleges in other states which have adopted professional negotiations procedures in the absence of a specific statute, such as Cook County Community College in Chicago.

So you see, this is not an academic discussion concerned with abstract concepts or hypothetical probabilities. We are talking about a present reality.

The question is not, are we going to have professional negotiations? The question is <u>how</u> are we going to have it? How is professional negotia-

tions going to work on the college campus? How is it going to affect the conditions of academic life? How is it going to modify the relations of governing boards, administrators, and faculty?

I submit that the answers to these questions lies largely with you. You, by your attitudes toward professional negotiations, and by your behavior in the negotiation process, will determine the character of collective negotiations at your particular institutions. In other words, you will get the kind of negotiations you choose.

Broadly speaking, there are two paths to follow--two models to choose from--based on the attitudes of the participants toward professional negotiation, the atmosphere in which the negotiations are conducted and the nature of their interpersonal relationships--how the individuals involved deal with one another. The N.T.L. boys refer to these two models as Distributive bargaining and Integrative bargaining. By the first is meant roughly a conflict situation, a win/lose confrontation, a power struggle. The second, indicates a cooperative situation, a problem solving approach, shared decision making.

Each calls for different attitudes and behavior on the part of the participants.

In the first situation the faculty uses every instrument of power and pressure at its disposal to get the kind of agreement it wants. The Board concedes only under duress--in the face of greater power--at the same time using any means it can to harass and intimidate faculty leaders and to undermine their position. Neither side is satisfied with the resulting agreement. Each accepts it only with serious mental reservations and procedes to undermine or disregard those provisions it does not like. The distrust and animosity generated at the bargaining table becomes endemic

and continues to pollute the atmosphere of the institution--particularly where one side feels the other is systematically violating the agreement. Each side waits anxiously for the next round of negotiations and the life of the contract becomes a series of skirmishes in preparation for the next big battle which is likely to end in a strike.

I suspect that many of you think of Professional Negotiation in just this light: 90% unproductive. A disruptive force. Generating perpetual, unresolved conflict. Producing unsatisfactory and unstable agreements. Leading inevitably to strikes. But, let us recognize that this is a stereotype. Though we can, no doubt, cite examples which came fairly close to this image (i.e., Lake Michigan Community College), I submit that they are the exceptions rather than the rule--that these instances represent the breakdown of the process rather than its successful operation--that our attention is focused upon these breakdowns rather than the myriad of successful negotiations because they tend to be spectacular--and that such situations are generally symptomatic of a much deeper malaise eating at the vitals of the institution long before it entered into negotiations.

Professional negotiations does not produce conflict. Conflict is made by men. It is present in all interpersonal relationships to a greater or lesser degree. Negotiations, properly used, is an instrument for channeling and resolving conflicts. But it is no more effective than the men who use it. It is like an automobile. It can be driven with care and consideration for the rights of others or it can be driven recklessly and irresponsibly. It is the character of the man at the wheel which produces the accident--not the automobile.

What is the alternative to the kind of conflict bargaining I described a few moments ago? The alternative is Integrative or cooperative bargaining.

This approach requires totally different attitudes and behavior on the part of the participants. It requires a mature understanding and acceptance of the Professional Negotiation process; it requires a willingness to reach a mutually acceptable agreement based on objectively ascertained facts, rather than power; it requires the recognition of real differences of opinion and conflicts of interest, as well as common goals; it requires that the emphasis be placed on agreement and compromise, rather than conflict; it requires that the goal of both parties be the recognition and solution of common problems, rather than victory; it requires that all the relevant facts, which enable us to negotiate intelligently, be brought into the open, that there be no withholding of information; above all, it requires the genuine acceptance of both parties as <u>equal</u> partners in the decision making process; a recognition that others may intelligently hold a different viewpoint from your own; a willingness to examine each proposal and argument on its merits regardless of the source; a sincere attempt to see the problem from the other parties' point of view, and to seek an agreement which will not violate his fundamental principles or damage his legitimate interests: it requires trust and confidence in the sincerity, the integrity and the professional competence of both faculty and administration; finally, it requires the abandonment of yesterday's tradition of authoritarianism and paternalism and of such cliches as "administrative perogative" and "sovereignty."

Gentlemen, are you ready to accept these conditions?

There is no doubt that conflict is easier than cooperation. It is never easy to shed old attitudes--to abandon old habits--to rethink old cliches and stereotypes. Many will find it difficult, perhaps impossible, to accept the new relationship--to invite the former servant into the Board

room. It is much easier, psychologically, to perpetuate the old order--even when we know it can't be done. But, if we are going to transcend the past and create a new and better educational environment; the sovereign mentality must go, because it destroys the foundations of cooperative bargaining and leads to a perpetuation of conflict.

Above all, there must be a recognition that Professional Negotiations is a bilateral process involving participation, agreement and responsibilities on the part of <u>two</u> parties. In this regard it is not unlike a marriage. And, as in marriage, the participation and responsibility of the parties does not end when the contract is signed. It is a common misconception that Professional Negotiations is an annual affair involving a few weeks or months of blood, sweat, toil and tears after which everything returns to the status quo ante. The P.N. relationship is a partnership which involves the obligation to cooperate in the bilateral interpretation and enforcement of the master agreement. Nothing is more destructive of genuine Professional Negotiations than a resort to unilateralism in the interpretation and enforcement of a contract.

Democracy--government by the consent of the governed--is not achieved by the writing of a constitution, but in the day to day operation of the constitutional system. If the master agreement is the charter of institutional democracy, the operation of that agreement in the daily life of the institution is the measure of its success.

What does all this tell us about the purpose and scope of Professional Negotiations?

First of all, we should not conceive of it as simply a means by which employees force their employers to grant them a larger slice of the economic pie. Nor is it solely a means for resolving disputes between labor and

management. Such an outlook is far too narrow.

Let me quote the U.S. Supreme Court's definition of collective bargaining: "The collective bargaining agreement....is more than a contract; it is a generalized code to govern a myriad of cases....The collective agreement covers the whole employment relationship. It calls into being a new common law--the common law of the particular plant [or institution]." (Steelworkers Cases 1960). Professional Negotiations establishes a new code of law, and a new system of law making and law enforcement for each institution. In other words, it brings about a fundamental change in the system of institutional governance. The faculty becomes, for the first time, a legally recognized partner in the governance of the institution, with a right to share in the making and implementation of the rules and policies under which the institution is to operate. This new right extends not only to issues of welfare and security but to educational policies as well.

What I am saying is that Professional Negotiations <u>is</u> shared authority. It is the only way <u>real</u> faculty governance can be achieved. Professional Negotiations is the means by which the democratization of the educational establishment can become a reality. The authoritarian-paternalistic tradition of American education cannot co-exist with genuine professional negotiations. They are incompatible systems. The fundamental concept of professional negotiations is bilateral power and bilateral decision making. The old unilateral power structure, in which decisions are made by a few administrators at the top and passed down the chain of command to the men in the ranks cannot survive under the impact of professional negotiations. Professional Negotiations strikes at the very roots of educational Bulwarism and abolishes it.

Professional Negotiations is a powerful instrument for institutional change. Through the negotiations process, we can bring about a fundamental improvement in the climate of many of our institutions of higher learning. We can draw upon the knowledge and experience of professional educators in the formulation of sound educational policies. We can give them a responsible role in the making and implementation of these policies. We can more effectively utilize the talents of faculty members, at the same time giving them a sense of real participation in the affairs of the institution. The campus can become a healthier, happier, more rewarding place to work. You will be able to attract and to hold a highly qualified staff. As a result, the quality of our educational service will improve.

But, I expect that all of this will not come about tomorrow or even next year. We will no doubt pass through a period of "sturm und drang" before we learn to accept the new order of things, before we come to see each other as equal partners in the educational decision making process, before we stop fearing the loss of arbitrary and unlimited power, before we understand that shared authority is not diminished authority. We stand at the threshold, but I suspect we will have to wander in the wilderness for a few years before we will be ready to enter the promised land.

We are at a stage of development in Faculty-Administration relationships which is similar to labor-management relations in the mid-30's. It took management almost two decades to accept the principles of Collective Bargaining. There is no historical necessity which requires us to repeat the bitter experiences of private industry. We <u>can</u> learn from the mistakes of the past. It is up to us.

I do not believe that events are determined by blind forces--but by blind men. All the chaos and confusion of our age is the work of men

blinded by hate, fear, prejudice, ambition, arrogance and conceit. We are face to face with one of the most important events in the history of American education. The consequences of professional negotiations for higher education --whether it will bring about healthy growth and improvement of the conditions of academic life or vice versa--depends upon us. If we approach it blindly without knowledge or understanding, or the will to make it work, we will be making one more contribution to the disorder of our society. But if we are prepared to accept it in good faith, with a clear understanding of its purposes and requirements and a determination to make it work for the improvement of our educational institutions, we will have made an important contribution to the rational resolution of differences through democratic procedures.

Which will it be, gentlemen? The decision rests largely in your hands.

Let me conclude with a quotation from the historian Amury de Reincourt. He was lamenting the fall of the Roman Republic when he wrote of the Senators of Rome, "Compromise is the essence of enduring institutions and discarding compromise only makes it certain that the institutions one is out to save will eventually perish altogether."